

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC LAMONT THOMAS,

Petitioner,

Case No. 19-cv-12775
Hon. Matthew F. Leitman

v.

S.L. BURT,

Respondent.

**ORDER DIRECTING THE WAYNE COUNTY PROSECUTOR'S
OFFICE TO ATTEMPT TO OBTAIN CERTAIN FILES
CREATED IN PETITIONER'S STATE COURT CASE**

Currently pending before this Court is Petitioner Eric Lamont Thomas' petition for a writ of habeas corpus. Thomas asserts several claims pertaining to his 2014 plea-based conviction in *People v. Thomas*, Wayne County Circuit Court Case No. 14-2760 (the "Thomas Case").

The record before the Court indicates that, when Thomas entered his plea, the trial court judge presiding over the Thomas Case, Judge Mark T. Slavens, had before him a document titled "Pretrial Settlement Offer and Notice of Acceptance." (*See* 9/16/2014 Hr'g Tr., ECF No. 8-4, PageID.285.) The Court concludes that a review of this document, along with any other Pretrial Settlement Offer and Notice of Acceptance forms that may have been completed in the Thomas case (if any), would substantially facilitate the Court's resolution of Thomas's petition. The Court

further concludes that a copy of all written motions filed in the Thomas Case, all written responses to motions filed in the Thomas Case, and all written orders of any kind entered by the trial court in the Thomas Case would likewise facilitate the Court's resolution of the instant petition.

Accordingly, it is **HEREBY ORDERED** that:

1. The Wayne County Prosecutor's Office (the "WCPO") shall conduct a diligent search of its files for the following:
 - a. The above-referenced document titled "Pretrial Settlement Offer and Notice of Acceptance" that was before the trial court in the Thomas Case, along with any other Pretrial Settlement Offer and Notice of Acceptance form (if any) completed in the Thomas Case; and
 - b. All written motions filed in the Thomas Case, all written responses to motions filed in the Thomas Case, and all written orders of any kind entered by the trial court in the Thomas Case.
2. If the WCPO determines after a diligent search that it does not have in its possession any documents listed in this Order, then the WCPO shall work with the Clerk of the Wayne County Circuit Court to conduct a similar search of that court's files for the documents identified above.
3. Once the WCPO has completed its efforts to search its own files and, if necessary, the Wayne County Circuit Court's files, it shall then send any documents responsive to this Order to counsel for Respondent in this action, Assistant Attorney General Scott Shimkus.
4. The WCPO shall complete its searching efforts and provide any responsive documents to Mr. Shimkus **by not later than April 22, 2022.**
5. Mr. Shimkus shall then file on this Court's docket as Rule 5 supplements any documents that the WCPO provides to him.

Once the WCPO has completed its searching efforts and Mr. Shimkus has filed any documents that had been provided to him, this Court shall set a supplemental briefing schedule as discussed at the hearing held on March 23, 2022.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 24, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 24, 2022, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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